

PLANNING COMMISISON SITE PLAN CONDITIONAL USE PERMIT REVIEW SHEET

CASE NUMBER:

SPC-2010-0054AT PLANNING COMMISSION

HEARING DATE: November 9, 2010

PROJECT NAME:

8565 US 183

ADDRESS:

8565 Research Blvd.

NEIGHBORHOOD PLAN:

North Austin Civic Association

APPLICANT:

O'Brien Cedrone (Alfredo Cedrone)

8565 Research Blvd. Austin, TX 78758

AGENT:

Conley Engineering (Carl Conley P.E.)

1301 South Capital of Tx Hwy, Suite A-200

Austin, TX 787

CASE MANAGER:

Nikki Hoelter

Phone: 974-2863

nikki.hoelter@ci.austin.tx.us

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit for a 4,711 square foot cocktail lounge that requires a late-hours permit from the Texas Alcoholic Beverage Commission. The owner plans to use the existing structure and improvements. No construction will occur with this site plan. In addition to the cocktail lounge conditional use permit, off-site accessory parking is being requested. Two separate sites, within 1000 feet of cocktail lounge will provide required parking for the use. One of the parking areas is within 200 feet of SF-3 zoning; therefore a compatibility variance is required.

VARIANCE:

Request approval of a variance to allow parking for a cocktail lounge within 200 feet of a property used or zoned townhouse and condominium residence (SF-6) or more restrictive. [LDC Sec. 25-5-146(B)(2)]

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for the cocktail lounge and variance. The cocktail lounge currently operates as a restaurant. In reality the use will be a restaurant and cocktail lounge, which will remain open until 2am. The owner anticipates 50% of the income to come from liquor sales, therefore the designation as a cocktail lounge. The bar will occupy less than 50% of the building area. Once designated as a cocktail lounge, the parking ratio is increased at 1 space per 50 square feet of floor area. There are currently 20 spaces on-site, however 94 spaces are required. The owner has entered into agreements with two separate properties to lease parking spaces. 31 spaces will be utilized from the adjoining commercial property. An additional 43 spaces will be leased from a commercial property about 460 feet from the subject site.



The property which adjoins the cocktail lounge, which will provide the 31 parking spaces, is adjacent to single family zoning. A portion of the parking area is within 200 feet of the single family zoning and use; however one of the buildings provides screening between the parking and the use. The majority of the parking is more than 200 feet; additionally the cocktail lounge is approximately 400 feet from the single family use. There is no direct access to the single family use from the parking area. The site plan complies with all requirements of the Land Development Code including Compatibility Standards.

PROJECT INFORMATION

SITE AREA	15,000 square feet	0.332 acre	es
EXISTING ZONING	CS-1-CO-NP		
WATERSHED	Little Walnut Creek		
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance (Urban)		
TRAFFIC IMPACT ANALYSIS	Not required		
CAPITOL VIEW CORRIDOR	None		
PROPOSED ACCESS	Research Blvd. (Hw	y 183)	
	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	2:1	.25:1	0
BUILDING COVERAGE	95%	23%	0
IMPERVIOUS COVERAGE	95%	79.8	0
PARKING	94	20	74 off-site spaces

SUMMARY COMMENTS ON SITE PLAN:

The proposed cocktail lounge is located on an existing developed property. It currently functions as a restaurant and will continue to be a restaurant but now include a cocktail lounge with late hours. The owner doesn't plan any improvements to the site. The hours of operation for the use will be Monday through Saturday, 7 am to 2 am. The owner will continue to serve breakfast at the restaurant which is reason for the early hours of operation. This use is appropriate for this site because it fronts and takes access to a major arterial, with surrounding uses and zoning compatible to the proposed use. The main reason the owner is seeking a conditional use permit for the cocktail lounge is due to the anticipated increase in liquor sales. A restaurant (general) is a permitted use within the CS-1 zoning district. The requested off site accessory parking will allow the cocktail lounge to meet its minimum required parking.

COMPATIBILITY

The single family houses to the north east of the subject site are about 400 feet from the proposed cocktail lounge building. An existing building will screen the homes and the parking area. The second off-site parking area which is located along Research does not trigger compatibility. Parking for the cocktail lounge will be 200 feet from single family use. Additionally, direct access cannot be taken to the single family neighborhood in both instances. All compatibility setbacks and standards are met.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
Site	CS-1-CO-NP	Restaurant
North	GR-NP	Retail sales
South	GR-NP	Furniture store
East	GR-NP	Shopping center
West	Highway/GR-NP	Right of way, commercial

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ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Research Blvd. (Hwy 183)	Varies	Approx. 170'	Major Arterial

NEIGHBORHOOD ORGNIZATIONS:

- 511—Austin Neighborhoods Council
- 742—Austin Independent School District
- 786—Home Builders Association of Greater Austin
- 1037—Homeless Neighborhood Assn.
- 1075—League of Bicycling Voters
- 1113—Austin Parks Foundation
- 1200—Super Duper Neighborhood Objectors and Appealers Organization
- 1224—Austin Monorail Project
- 1228-Sierra Club, Austin Regional Group
- 1236—The Real Estate Council of Austin, Inc
- 1273 North Austin Civic Association
- 1113 Austin Parks Foundation
- 114 North Growth Corridor

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CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (EVALUATION OF CONDITIONAL USE SITE PLAN) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

1. Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

2. Comply with the objectives and purposes of the zoning district;

Staff Response: The proposed cocktail lounge is a conditional use within the CS-1 zoning district; however, it could continue to operate as a restaurant that serves alcohol. The use is appropriate because it's located along a major arterial.

- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

 Staff Response: The site plan will comply with all requirements of the Land Development Code. The site plan complies with setback, height, and compatibility requirements. New construction will not occur with this permit.
- 4. Provide adequate and convenient off-street parking and loading facilities; and
 Staff Response: The site plan provides adequate off street parking and loading for the use. It will also
 provide off site accessory parking directly adjacent to the use and it will be connected by an existing
 interior drive.
- 5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

- C. In addition, a conditional use site plan may not:
- 6. More adversely affect an adjoining site than would a permitted use;

An off-site parking lot use will have no more impact on adjoining properties than other permitted uses in the area which could operate with similar hours, because the parking is to serve the adjacent business.

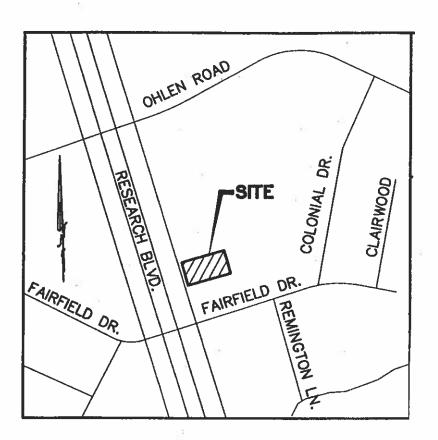
- 7. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or
 - Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation, since the parking is to serve the adjacent building.
- 8. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. Staff Response: All signs and lighting will comply with the Land Development Code.

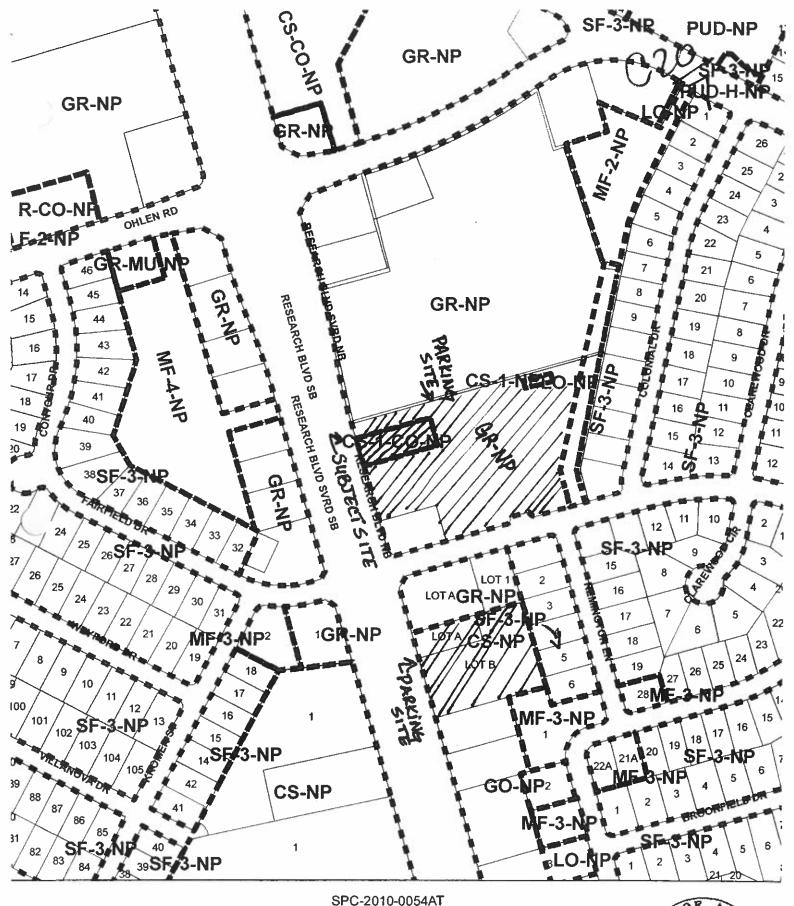
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D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

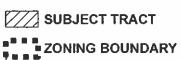
In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

- (A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:
 - (1) a special yard, open space, buffer, fence, wall, or screen;
 - (2) landscaping or erosion;
 - (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
 - (4) signs;
 - (5) characteristics of operation, including hours;
 - (6) a development schedule; or
 - (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.





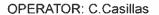




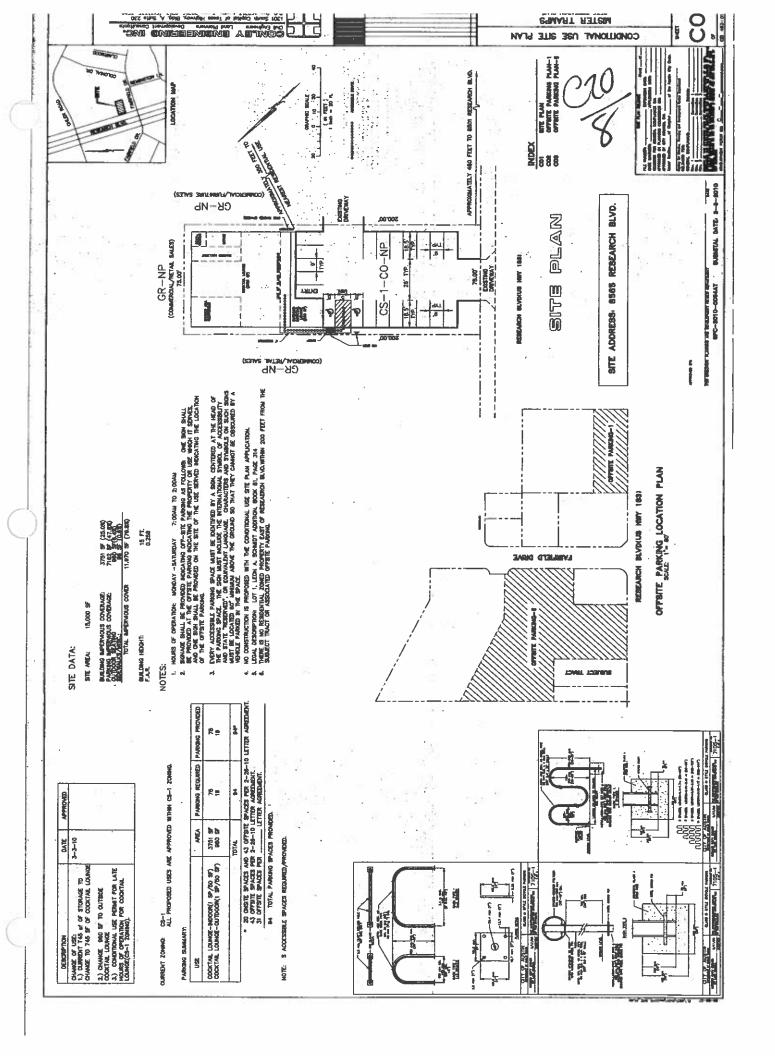
CASE#: SPC-2010-0054AT ADDRESS: 8565 Research Blvd

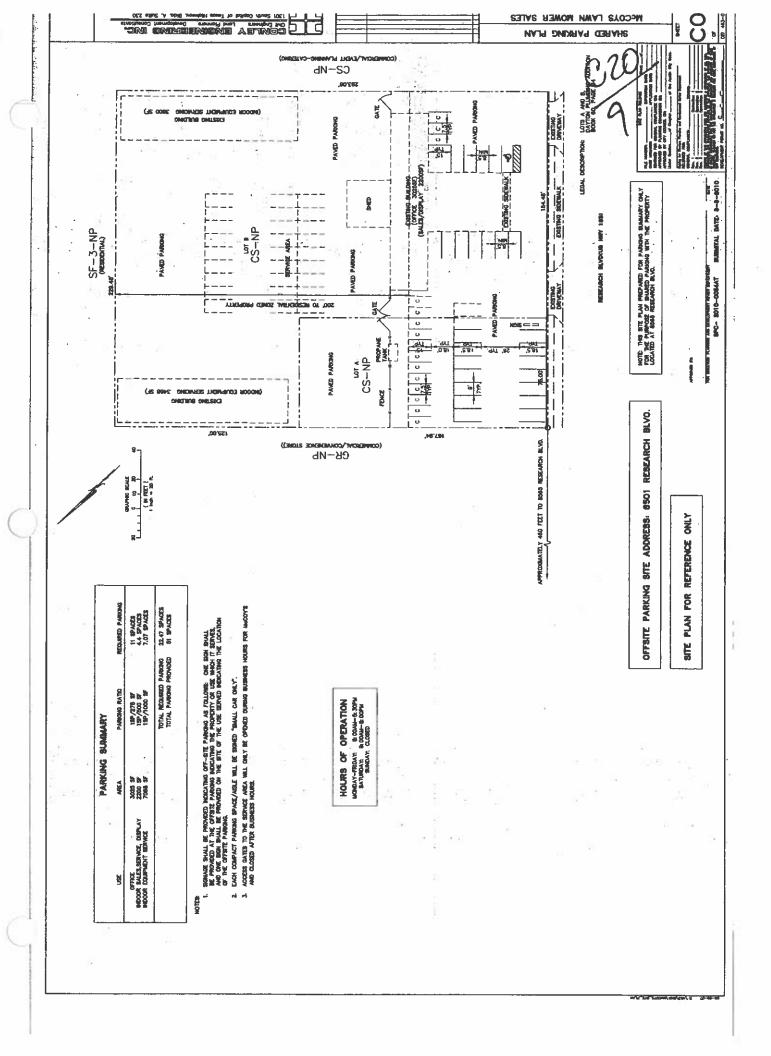
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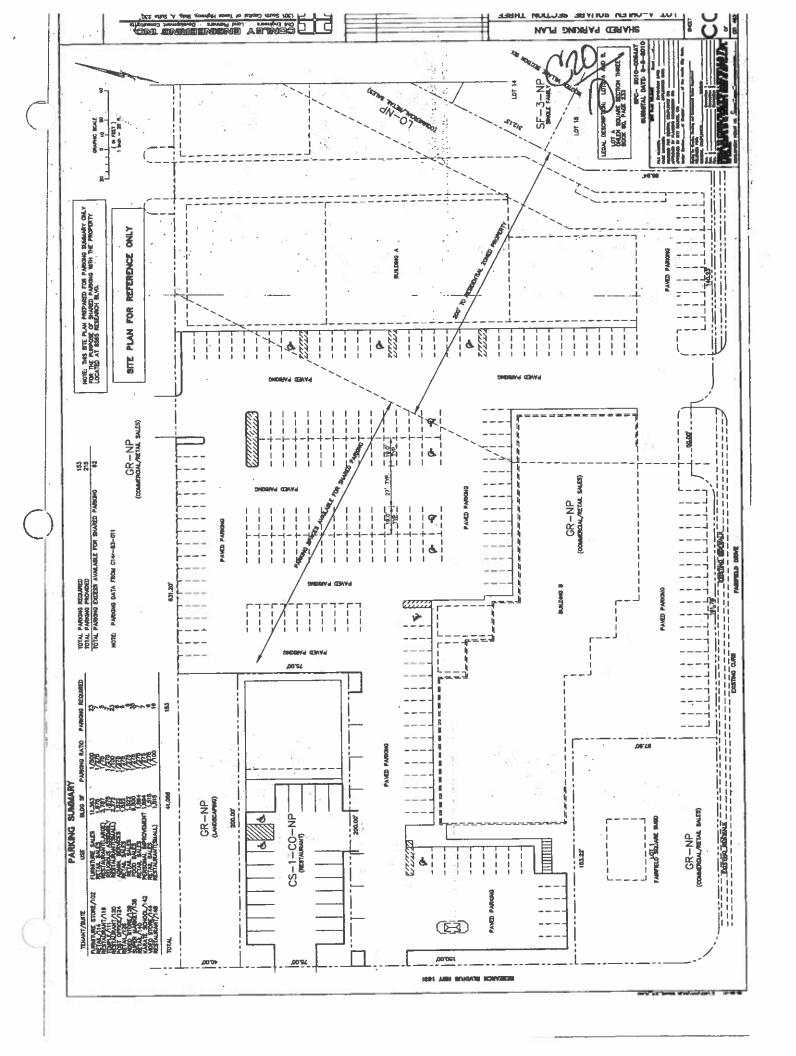
MANAGER: NIKKI HOELTER











PUBLIC HEARING INFORMATION

that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owne of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has a interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

Austin, TX 78767-8810

Nikki Hoelter P. O. Box 1088

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must by submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or wouncil; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Daytime To of Comments er Comments with the comments of the co	Case Num Contact: 1 Public Hea of Now Name (p
Comments: Comments: Comments: Attrongly offers the Comment Comment of the Survey of Austin City of Austin	ber: SPC-2610-0054AT Nikki Hoelty, 512-974-2863 or Cindy Casillas, 51 uring: Planving Commission, Nov. 9, 2010 SC OOK lease print (es) affected by this application Read OOK (A) OOK (A) OOK (A) OOK (B) OOK (B) OOK (C)

DESCRIPTION	DATE	APPROVED
CHANGE OF USE: 1.) CURRENT 745 of OF STORAGE TO CHANGE TO 745 SF OF COCKTAIL LOUNGE 2.) CHANGE 960 SF TO OUTSIDE	3–3–10	
CÓCKTAIL LOUNGE 3.) CONDITIONAL USE PERMIT FOR LATE HOURS OF OPERATION FOR COCKTAIL LOUNGE(CS-1 ZONING).		

CURRENT ZONING:

ALL PROPOSED USES ARE APPROVED WITHIN CS-1 ZONING.

PARKING SUMMARY:

USE	AREA	PARKING REQUIRED	PARKING PROVIDED
COCKTAIL LOUNGE-INDOOR(1 SP/50 SF) COCKTAIL LOUNGE-OUTDOOR(1 SP/50 SF)	3751 SF 96D SF	75 19	75 19
	TOTAL	94	94*

- * 2D ONSITE SPACES AND 43 OFFSITE SPACES PER 2-28-10 LETTER AGREEMENT. 43 OFFSITE SPACES PER 2-26-1D LETTER AGREEMENT. 31 OFFSITE SPACES PER _____ LETTER AGREEMENT.
- 94 TOTAL PARKING SPACES PROVIDED.

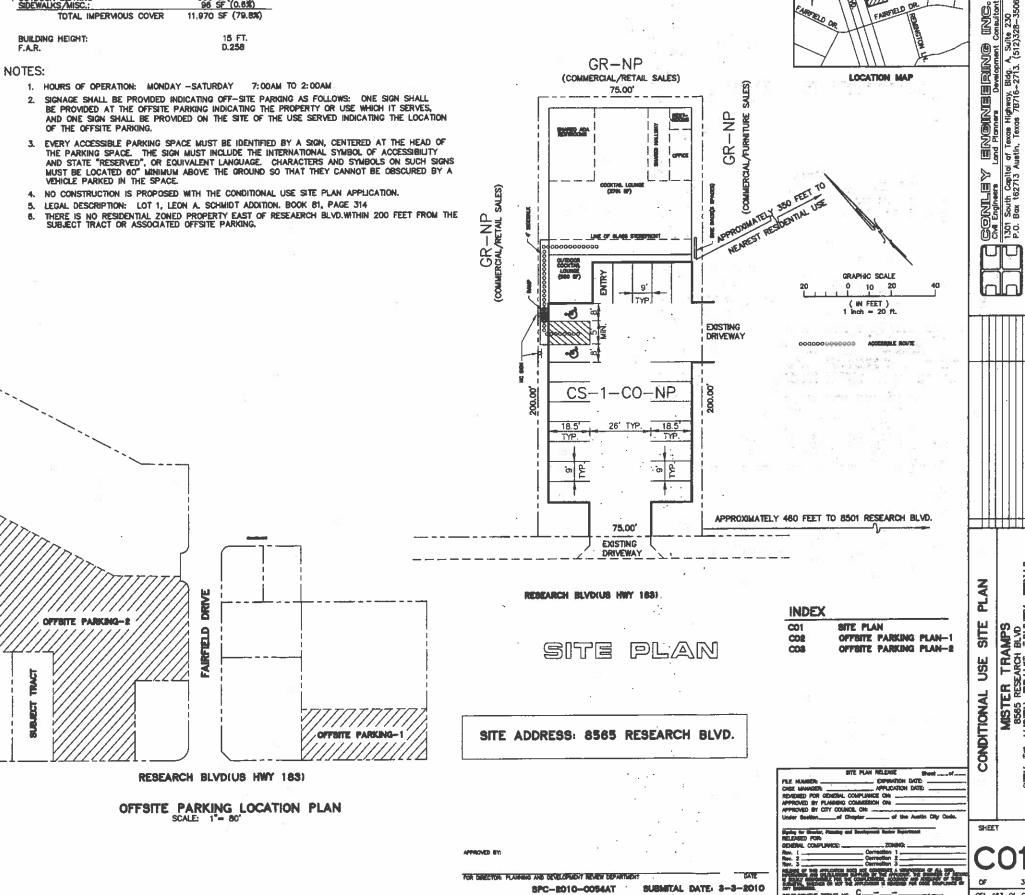
NOTE: 5 ACCESSIBLE SPACES REQUIRED/PROVIDED.

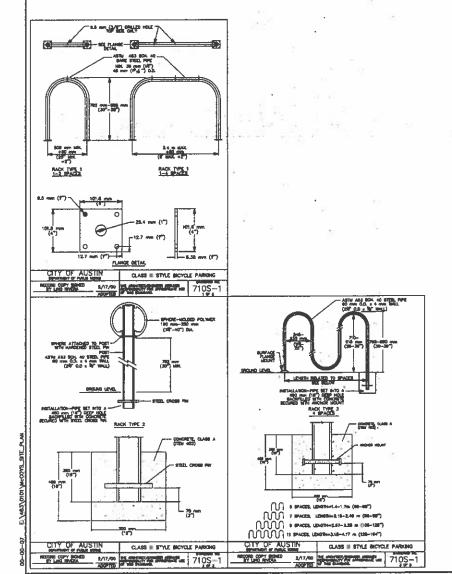
SITE DATA:

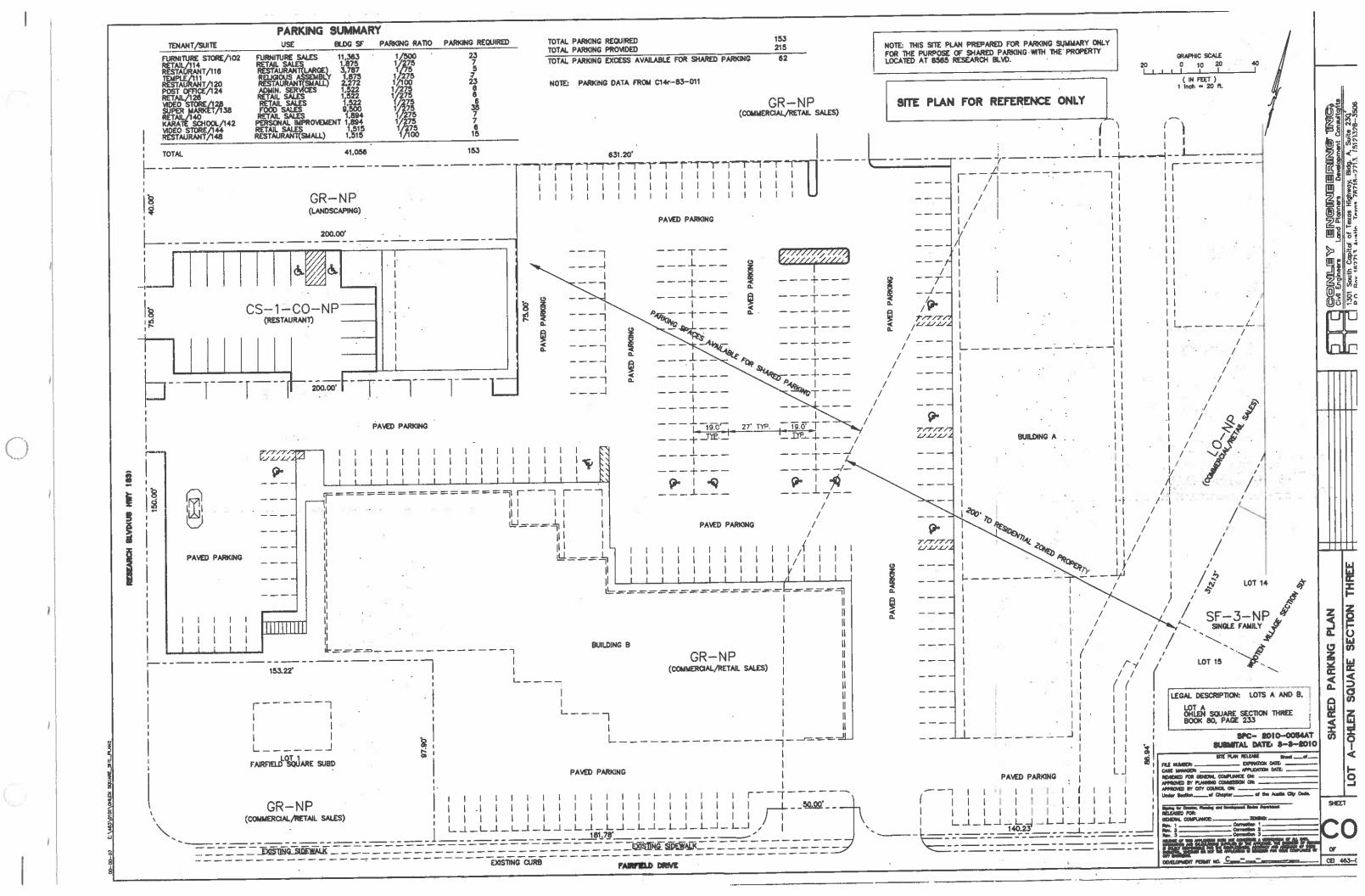
SITE AREA:

BUILDING IMPERMOUS COVERAGE: 3751 SF (25.0%) 7182 SF (47.6%) 960 SF(8.4%) 96 SF (0.6%) PARKING IMPERVIOUS COVERAGE: OUTDOOR SEATING

15,000 SF







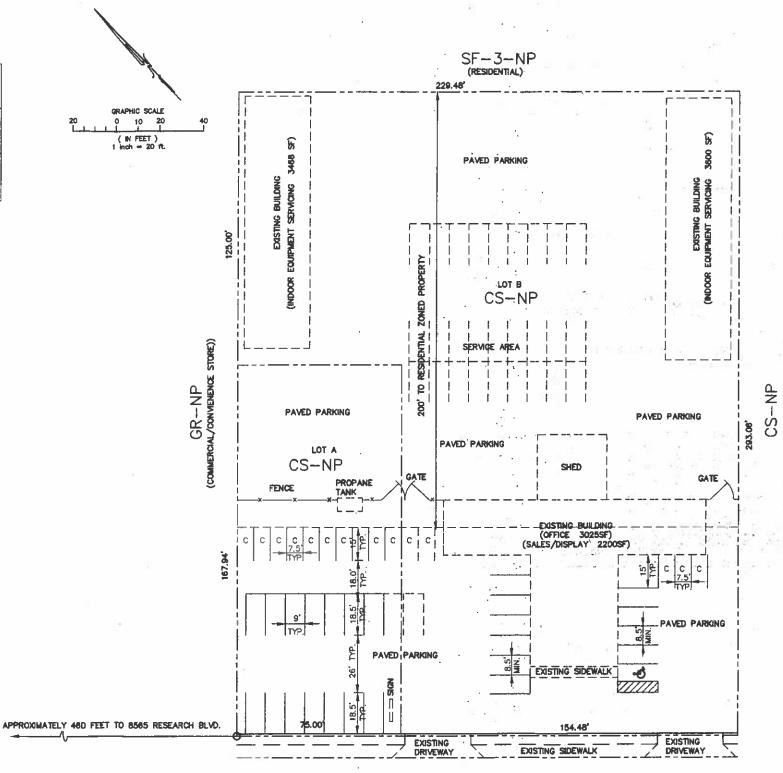
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USE	AREA	PARKING RATIO	REQUIRED PARKING
OFFICE INDOOR SALES, SERVICE, DISPLAY INDOOR EQUIPMENT SERVICE	3025 SF 2200 SF 7068 SF	1SP/275 SF 1SP/500 SF 1SP/1000 SF	11 SPACES 4.4 SPACES 7.07 SPACES
*1	3	TOTAL REQUIRED PARKING TOTAL PARKING PROVIDED	22.47 SPACES 51 SPACES

NOTES:

- SIGNAGE SHALL BE PROVIDED INDICATING OFF-SITE PARKING AS FOLLOWS: ONE SIGN SHALL BE PROVIDED AT THE OFFSITE PARKING INDICATING THE PROPERTY OR USE WHICH IT SERVES, AND ONE SIGN SHALL BE PROVIDED ON THE SITE OF THE USE SERVED INDICATING THE LOCATION
- 2. EACH COMPACT PARKING SPACE/AISLE WILL BE SIGNED "SMALL CAR ONLY".
- 3. ACCESS GATES TO THE SERVICE AREA WILL ONLY BE OPENED DURING BUSINESS HOURS FOR McCOY'S AND CLOSED AFTER BUSINESS HOURS.

HOURS OF OPERATION

MONDAY-FRIDAY: 8: 00AM-5: 30PM SATURDAY: 9: 00AM-5: 00PM SUNDAY: CLOSED



LOTS A AND B, DAYTON PLUMBING ADDITION BOOK 60, PAGE 94 LEGAL DESCRIPTION:

RESEARCH BLVD(UB HWY 163)

OFFSITE PARKING SITE ADDRESS: 8501 RESEARCH BLVD.

SITE PLAN FOR REFERENCE ONLY

NOTE: THIS SITE PLAN PREPARED FOR PARKING SUMMARY ONLY FOR THE PURPOSE OF SHARED PARKING WITH THE PROPERTY LOCATED AT 8565 RESEARCH BLVD.

FOR DURECTOR: FLAMBING AND DEVELOPMENT REVIEW DEPARTMEN SUBMITAL DATE: 3-3-2010 8PC- 2010-0054AT

SHEET

MCCOYS LAWN MOWER SALES

SHARED PARKING PLAN

GONILEY ENGINEERING INC.
CM Engineers Land Planners Development Consultant
1301 South Capital of Texas Highway, Bldg. A, Suite 230
P.O. Box 1627/3 Austin, Texas 767/6—27/3. (512)328—3508